



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,549	06/14/2001	Stuart D. Helling	1673A1	8272

24959 7590 09/11/2003

PPG INDUSTRIES INC  
INTELLECTUAL PROPERTY DEPT  
ONE PPG PLACE  
PITTSBURGH, PA 15272

EXAMINER
----------

GOUDREAU, GEORGE A

ART UNIT	PAPER NUMBER
----------	--------------

1763

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09-882,549

Applicant(s)

Helling et al

Examiner

George Goudreau

Group Art. Unit

1763

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 (MONTH) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 6-9-03 (Ce. - Paper 9)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-35 is/are pending in the application.
- Of the above claim(s) 12-17 is/are withdrawn from consideration.
- ☒ Claim(s) 22-23 is/are allowed.
- ☒ Claim(s) 1-3, 6-9, 18-21, 24-27, 30, 32-35 is/are rejected.
- ☒ Claim(s) 4-5, 10-11, 28-29, 31 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

1. This action will not be made final due to the new grounds of rejection.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-9, 24-27, 30, 32, and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Maloney et. al. (4,443,357).

Maloney et. al. disclose an aqueous slurry comprised of precipitated silica (i.e.-G30 Quso). Each silica particle has the following characteristics:

- 8 OH groups/ cm<sup>2</sup>;
- 12 NM. diameter; and
- 300 m<sup>2</sup>/ GM surface area.

The G30 Quso silica may be wet milled to (5-50) NM or (0.005-0.005) microns.

This is discussed specifically in columns 7-8; and discussed in general in columns 1-26.

4. Claims 18-21, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Persello (5,286,478).

Persello discloses precipitated silica with the following characteristics:

- BET=400 m<sup>2</sup>/ GM;
- CTAB=350 m<sup>2</sup>/ GM;
- oil uptake of 300 cm<sup>3</sup>/ 100 GM;
- 1.5 micron mean particles size; and

-BET/ CTAB ratio= 1.3

Alternatively, Persello disclose precipitated silica with the following characteristics:

-BET=100 m<sup>2</sup>/ GM;

-CTAB=60 m<sup>2</sup>/ GM;

-10 micron mean particle size;

-oil uptake of 100 cm<sup>3</sup>/ GM; and

-8 OH groups/ NM<sup>2</sup>

This is discussed specifically in columns 21-22; and discussed in general in columns 1-24.

5. Claims 4-5, 10-11, 28-29, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 22-23 are allowed.

7. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner George A. Goudreau whose telephone number is (703) -308-1915. The examiner can normally be reached on Monday through Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Examiner Gregory Mills, can be reached on (703) -308-1633. The appropriate fax

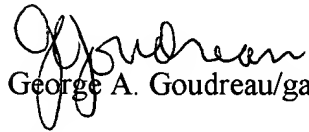
Application/Control Number: 09/882,549

Page 4

Art Unit: 1763

phone number for the organization where this application or proceeding is assigned is (703) -  
306-3186.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) -308-0661.



George A. Goudreau/gag

Primary Examiner  
AU 1763